

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY
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MARIA MARTINEZ,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

No. 15-CV-1596 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

On March 4, 2016, Plaintiff Maria Martinez filed a complaint appealing the decision of the Commissioner of Social Security to deny her application for supplemental security income benefits. The case was referred to Magistrate Judge James C. Francis IV for a report and recommendation. On June 15, 2016, Judge Francis issued a report and recommendation (the “Report”) recommending that the Plaintiff’s motion for judgment on the pleadings be granted and the case be remanded pursuant to sentence four of 42 U.S.C. § 405(g). Neither party filed objections to the Report.

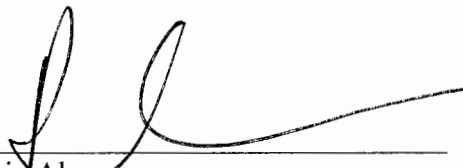
A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Parties may object to a magistrate judge’s recommended findings “[w]ithin 14 days after being served with a copy of the recommended disposition.” Fed. R. Civ. P. 72(b)(2). “When the parties make no objections to the Report, the Court may adopt the Report if ‘there is no clear error on the face of the record.’” *Smith v. Corizon Health Services*, No. 14-CV-8839 (GBD), 2015 WL 6123563, at *1 (S.D.N.Y. Oct. 16, 2015) (quoting *Adee Motor Cars, LLC v. Amato*, 388 F. Supp. 2d 250, 253 (S.D.N.Y. 2005)). “Furthermore, if as here . . . the magistrate judge’s report states that failure to object will preclude

appellate review and no objection is made within the allotted time, then the failure to object generally operates as a waiver of the right to appellate review.” *Hamilton v. Mount Sinai Hosp.*, 331 F. App’x 874, 875 (2d Cir. 2009) (internal citations omitted).

As no objections to the Report were filed, the Court has reviewed Judge Francis’s well-reasoned Report for clear error. Having found none, the Court adopts the Report in its entirety. It is therefore ordered that Plaintiff’s motion is granted, the Commissioner’s is denied, and this case is remanded pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings. The Clerk of Court is respectfully directed to close this case.

SO ORDERED.

Dated: July 6, 2016
New York, New York



Ronnie Abrams
United States District Judge